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FEB 02 2007

REMARKS

The Office Action dated December 1, 2006 has been received and reviewed by the applicant. Claims 1-5 are in the application. Claims 1-5 stand rejected. Reconsideration is respectfully requested.

Claims 2-4 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claim 4 is canceled. The Examiner is thanked for the careful examination.

Claims 1-5 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In response, claim 1 is amended to include a positive limitation which provides a useful result. The language "so that" and "may be" are deleted and more positive recitation of the limitations are now included. It is respectfully submitted that this limitation is in the body of the claim as opposed to the preamble. MPEP 2111.02 defines intended use in terms of the preamble. The phrase "comprising" clearly defines the scope and limitations of the invention, which applies to claim 1, and the limitation in question. Therefore, it is respectfully submitted that the limitation is not intended use.


Claims 1-5 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ko (U.S. Pub. No. 2001/0044742). In response, claim 1 is amended to include "extracting and analyzing information from the image, non-advertisement content" ... and then "placing the correlated advertisement on the disc ..." This clearly articulates the distinction that the content (which is not the advertisement) is later correlated to advertisement, which is placed in the disc. This clearly means that the image, non-advertisement content of claim 1 does not read on the time/date of the advertisement of Ko as interpreted by the rejection since, in claim 1, the content is non-advertisement and the advertisement is later defined in the claim.

In contrast, Ko clearly teaches that the time/date of the *advertisement* is retrieved. In fact, other than the advertisement, there is no other information on the disc at that point. Therefore, interpreting the time/date of Ko as the non-advertisement content as in claim 1 is precluded.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

  
Attorney for Applicant(s)  
Registration No. 36,390

Peyton C. Watkins/lam  
Rochester, NY 14650  
Telephone: 585-477-8282  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.